

(c) RULE OF CONSTRUCTION REGARDING SEPARATION.—For purposes of subchapters III and VII of chapter 84 of title 5, each of the following actions shall, in the case of a member participating in the Thrift Savings Plan in accordance with section 8440e of such title, be considered a separation from Government employment:

(1) Release of the member from active duty, not followed, before the end of the 31-day period beginning on the day following the effective date of the release, by—

(A) a resumption of active duty; or

(B) an appointment to a position covered by chapter 83 or 84 of title 5 or an equivalent retirement system, as identified by the Executive Director (appointed by the Federal Retirement Thrift Investment Board) in regulations.

(2) Transfer of the member to inactive status, or to a retired list pursuant to any provision of title 10.

(d) AGENCY CONTRIBUTIONS FOR RETENTION IN CRITICAL SPECIALTIES.—(1) The Secretary concerned may enter into an agreement with a member to make contributions to the Thrift Savings Fund for the benefit of the member if the member—

(A) is in a specialty designated by the Secretary as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

(B) commits in such agreement to continue to serve on active duty in that specialty for a period of 6 years.

(2) Under any agreement entered into with a member under paragraph (1), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the 6-year period of the agreement for which the member makes a contribution to the Fund under section 8440e of title 5 (other than under subsection (d)(2) thereof). Paragraph (2) of section 8432(c) of title 5 applies to the Secretary's obligation to make contributions under this paragraph, except that the reference in such paragraph (2) to contributions under paragraph (1) of such section 8432(c) does not apply.

(Added and amended Pub. L. 106-65, div. A, title VI, §§ 661(a)(1)(A), 662, Oct. 5, 1999, 113 Stat. 670, 672.)

AMENDMENTS

1999—Subsec. (d). Pub. L. 106-65, § 662, added subsec. (d).

EFFECTIVE DATE

Section and amendment by Pub. L. 106-65 effective 180 days after Oct. 30, 2000, unless postponed, see section 663 of Pub. L. 106-65, as amended, set out as a note under section 8440e of Title 5, Government Organization and Employees.

§ 212. Advancement of basic pay: members deployed in combat zone for more than one year

(a) ELIGIBILITY; AMOUNT ADVANCED.—If a member of the armed forces is assigned to duty in an area for which special pay under section 310 of

this title is available and the assignment is pursuant to orders specifying an assignment of one year or more (or the assignment is extended beyond one year), the member may request, during the period of the assignment, the advanced payment of not more than three months of the basic pay of the member.

(b) CONSIDERATION OF REQUEST.—A request by a member described in subsection (a) for the advanced payment of a single month of basic pay shall be granted. The Secretary concerned may grant a member's request for a second or third month of advanced basic pay during the assignment upon a showing of financial hardship.

(c) RECOUPMENT OF ADVANCED PAY.—The Secretary concerned shall recoup an advance made on the basic pay of a member under this section in equal installments over a one-year period beginning as provided in subsection (d). If the member is serving on active duty for any month during the recoupment period, the amount of the installment for the month shall be deducted from the basic pay of the member for that month. The estate of a deceased member shall not be required to repay any portion of the advanced pay paid to the member and not repaid before the death of the member.

(d) COMMENCEMENT OF RECOUPMENT.—The recoupment period for an advancement of basic pay to a member under this section shall commence on the first day of the first month beginning on or after the date on which the member receives the advanced pay.

(Added Pub. L. 108-375, div. A, title VI, § 606(a), Oct. 28, 2004, 118 Stat. 1945.)

CHAPTER 5—SPECIAL AND INCENTIVE PAYS

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301.	Incentive pay: hazardous duty.
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302j.	Special pay: accession bonus for pharmacy officers.
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Sec.
305a. Special pay: career sea pay.
305b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team.
306. Special pay: officers holding positions of unusual responsibility and of critical nature.
306a. Special pay: members assigned to international military headquarters.
307. Special pay: special duty assignment pay for enlisted members.
307a. Special pay: assignment incentive pay.
308. Special pay: reenlistment bonus.
[308a. Repealed.]
308b. Special pay: reenlistment bonus for members of the Selected Reserve.
308c. Special pay: bonus for enlistment in the Selected Reserve.
308d. Special pay: enlisted members of the Selected Reserve assigned to certain high priority units.
308e. Special pay: bonus for reserve affiliation agreement.
[308f. Repealed.]
308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.
308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.
308i. Special pay: prior service enlistment bonus.
308j. Special pay: bonus for certain initial service of officers in the Selected Reserve.
309. Special pay: enlistment bonus.
310. Special pay: duty subject to hostile fire or imminent danger.
[311. Repealed.]
312. Special pay: nuclear-qualified officers extending period of active service.
312a. Special pay: nuclear-trained and qualified enlisted members.
312b. Special pay: nuclear career accession bonus.
312c. Special pay: nuclear career annual incentive bonus.
[313. Repealed.]
314. Special pay or bonus: qualified members extending duty at designated locations overseas.
315. Special pay: engineering and scientific career continuation pay.
316. Special pay and bonus for members with foreign language proficiency.
[316a. Repealed.]
317. Special pay: officers in critical acquisition positions extending period of active duty.
318. Special pay: special warfare officers extending period of active duty.
319. Special pay: surface warfare officer continuation pay.
320. Incentive pay: career enlisted flyers.
321. Special pay: judge advocate continuation pay.
322. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.
323. Special pay: retention incentives for members qualified in a critical military skill.
324. Special pay: accession bonus for new officers in critical skills.
325. Incentive bonus: savings plan for education expenses and other contingencies.
326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage.

AMENDMENTS

2004—Pub. L. 108-375, div. A, title VI, §§619(b), 620(a)(2), (b)(2), Oct. 28, 2004, 118 Stat. 1952, 1954, added item 308j, substituted “Special pay and bonus for mem-

bers with foreign language proficiency” for “Special pay: foreign language proficiency pay” in item 316, and struck out item 316a “Waiver of certification requirement”.

2003—Pub. L. 108-136, div. A, title VI, §§621(a)(2)(B), 624(b), 625(b), Nov. 24, 2003, 117 Stat. 1505-1507, added items 305b and 326 and substituted “qualified members” for “qualified enlisted members” in item 314.

2002—Pub. L. 107-314, div. A, title VI, §616(a)(2), Dec. 2, 2002, 116 Stat. 2570, added item 307a.

2001—Pub. L. 107-107, div. A, title VI, §§621(b), 622(a)(2), Dec. 28, 2001, 115 Stat. 1140, 1142, added items 324 and 325.

2000—Pub. L. 106-398, §1 [[div. A], title VI, §§624(a)(2), (b)(2), 628(c), 633(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-152, 1654A-153, 1654A-155, 1654A-158, added items 302i, 302j, 309, and 323 and struck out items 308a “Special pay: enlistment bonus” and 308f “Special pay: bonus for enlistment in the Army”.

1999—Pub. L. 106-65, div. A, title VI, §§626(a)(2), 627(a)(2), 628(a)(2), 629(a)(2), 642(b), Oct. 5, 1999, 113 Stat. 656, 657, 659, 660, 663, added items 318 to 322.

1998—Pub. L. 105-261, div. A, title VI, §617(c)(2), Oct. 17, 1998, 112 Stat. 2041, struck out “location” after “hardship duty” in item 305.

1997—Pub. L. 105-85, div. A, title VI, §§617(b), 619(c)(2), 625(a)(2), Nov. 18, 1997, 111 Stat. 1789, 1790, 1795, added item 301e and substituted “hardship duty location pay” for “while on duty at certain places” in item 305 and “Special pay or bonus:” for “Special pay:” in item 314.

1996—Pub. L. 104-201, div. A, title VI, §615(c)(2), Sept. 23, 1996, 110 Stat. 2546, added item 302h.

Pub. L. 104-106, div. A, title VI, §614(a)(2), Feb. 10, 1996, 110 Stat. 361, added item 302g.

1991—Pub. L. 102-190, div. A, title VI, §§634(b), 635(b), 636(b), Dec. 5, 1991, 105 Stat. 1381-1383, added items 302f, 303b, and 316a.

Pub. L. 102-25, title VII, §702(a)(1), Apr. 6, 1991, 105 Stat. 117, substituted “Multiyear retention” for “Retention” in item 301d.

1990—Pub. L. 101-510, div. A, title VI, §§611(a)(2), 618(c)(2), title XII, §1203(a)(2), title XIV, §1484(f)(1), Nov. 5, 1990, 104 Stat. 1576, 1579, 1657, 1717, revised chapter heading so as to appear in all capital letters, added item 301d, inserted “and nonphysician health care providers” after “psychologists” in item 302c, and added item 317.

1989—Pub. L. 101-189, div. A, title V, §505(a)(2), title VII, §§704(b)(2), 705(a)(2), 706(a)(2), Nov. 29, 1989, 103 Stat. 1438, 1471-1473, struck out “in the Public Health Service Corps” after “psychologists” in item 302c and added items 302d, 302e, and 308d.

1987—Pub. L. 100-140, §2(b)(2), Oct. 26, 1987, 101 Stat. 831, added item 302c.

1986—Pub. L. 99-661, div. A, title VI, §634(a)(2), Nov. 14, 1986, 100 Stat. 3885, added item 316.

1985—Pub. L. 99-145, title VI, §§639(e), 644(a)(2), Nov. 8, 1985, 99 Stat. 651, 653, substituted “dental officers of the armed forces” for “dentists” in item 302b, added item 308i, and struck out item 311 “Special pay: continuation pay for dentists in the armed forces”.

1984—Pub. L. 98-525, title VI, §623(b)(2), title XIV, §1402(b)(2), Oct. 19, 1984, 98 Stat. 2542, 2621, substituted “special duty assignment pay for enlisted members” for “proficiency pay for enlisted members” in item 307, and added item 306a.

1983—Pub. L. 98-94, title IX, §905(b)(2), title X, §1011(b)(2), Sept. 24, 1983, 97 Stat. 664, struck out item 308d “Special pay: bonus for enlistment, reenlistment, or extension of enlistment in elements of the ready Reserve other than the Selected Reserve”, added items 308g and 308h, and in item 310 inserted “or imminent danger”.

1981—Pub. L. 97-60, title I, §§117(c)(2), 120(b), Oct. 14, 1981, 95 Stat. 997, 999, added items 308f and 315.

1980—Pub. L. 96-579, §§3(e), 5(a)(2), Dec. 23, 1980, 94 Stat. 3364, 3366, added items 301c and 314.

Pub. L. 96-513, title V, §506(5), Dec. 12, 1980, 94 Stat. 2919, struck out items 302c “Special pay: medical offi-